# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/731,629 | 12/07/2000 | Steven M. French | AUS920000812US1 | 1076 |

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| 7590    02/03/2005 | | EXAMINER |
| | | NGUYEN, THANH T |

| ART UNIT | PAPER NUMBER |
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| 2144 | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2"><br><br>**Office Action Summary**</td><td>Application No.<br><br>09/731,629</td><td>Applicant(s)<br><br>FRENCH ET AL.</td></tr>
<tr><td>Examiner<br><br>Tammy T Nguyen</td><td>Art Unit<br><br>2144</td><td></td></tr>
</table>

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *16 September 2004*.
2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-26* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *07 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

UNITED STATES PATENT AND TRADEMARK OFFICE

## *Detailed Office Action*

1.      This action is in response to the amendment filed on September 16, 2004.

2.      Claims **1-26** are pending.

### *Specification*

3.      The lengthy specification has not been checked to the extent necessary to determine

the presence of all possible minor errors. Applicant's cooperation is requested in correcting any

errors of which applicant may become aware in the specification.

## *Claim Rejections - 35 USC § 102*

4.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the
United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by
another filed in the United States before the invention by the applicant for patent, except that an international application
filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed
in the United States only if the international application designated the United States and was published under Article
21(2) of such treaty in the English language.

5.      Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by

Beelitz et al. (USPN 6,182,275- – Date of Patent: January 30, 2001, herein referred to as

"Beelitz").

6.　　　As to claim 1, Beelitz teaches the invention as claimed, including a method of

generating a list of target devices to be configured in communication with a server, comprising:

creating a first list of target devices to be configured (col.7, lines 35-40, lines 48-51); identifying

at least one addressed target device having an associated network address (Fig.1, Target

computer system 137 associated with network connection 110, and col.15, lines 55-60);

modifying the first list of target devices using the addressed target device (col.16, lines 4-10);

and generating a modified list of target devices to be configured (col.18, lines 5-10), wherein the

target devices are to be remotely booted by the server (col.15, lines 1-45, and col.18, lines 11-

28).

7.　　　As to claim 2, Beelitz teaches the invention as claimed, wherein the addressed target

device is listed in at least one information source (col.7, lines 35-40).

8.　　　As to claim 3, Beelitz teaches the invention as claimed, further comprising: adding

the associated network address of the addressed target device to the first list of target devices

(col.3, lines 5-15).

9.　　　As to claim 4, Beelitz teaches the invention as claimed, further comprising: adding

the addressed target device having an associated network address to the first list of target devices

(col.17, lines 20-30).


10.      As to claim 5, Beelitz teaches the invention as claimed, further comprising: removing

the addressed target device having an associated network address from the first list of target

devices (col.4, lines 59-64).


11.      As to claim 6, Beelitz teaches the invention as claimed, further comprising: pre-

configuring at least one pre configured target device (col.18, lines 60-67, and lines 5-10).


12.      As to claim 7, Beelitz teaches the invention as claimed, further comprising: adding

the pre configured target device to the first list (col.18, lines 60-67).


13.      As to claim 8, Beelitz teaches the invention as claimed, further comprising:

determining if a target device has an associated network address; and removing the target device

from the modified list of target devices if it does not have an associated network address (col.7,

lines 35-40).


14.      As to claim 9, Beelitz teaches the invention as claimed, further comprising:

configuring the target devices on the modified list (col.7, lines 4-56).


15.      As to claim 10, Beelitz teaches the invention as claimed, further comprising:

examining packet data to determine if a target device has an associated network address (Fig.1

associated network).


16.        As to claim 11, Beelitz teaches the invention as claimed, further comprising:

examining log data to determine if a target device has an associated network address (Fig.1

Target computer and associated network 110).


17.        As to claim 12, Beelitz teaches the invention as claimed, further comprising:

providing the modified list to the server (col.1, lines 40-55).


18.        As to claim 13, Beelitz teaches the invention as claimed, including a computer

program product in a computer usable medium for generating a list of target devices to be

configured in communication with a server, comprising: means for creating a first list of target

devices to be configured (col.17, lines 35-40, and lines 48-50); means for identifying with an

identification at least one addressed target device having an associated network address (col.15,

lines 55-60); means for modifying the first list of target devices using the addressed target device

(col.16, lines 4-10); and means for generating a modified list of target devices to be configured

(col.18, lines 5-10), wherein the target devices are to be remotely booted by the server (col.15,

lines 1-45, and col.18, lines 11-28).


19.        As to claim 14, Beelitz teaches the invention as claimed, further comprising: means

for storing the identification of the addressed target device (Fig.1, Target computer system 137).

20.       As to claim 15, Beelitz teaches the invention as claimed, further comprising: means

for adding the associated network address of the addressed target device to the first list of target

devices (col.3, lines 5-15).

21.       As to claim 16, Beelitz teaches the invention as claimed, further comprising: means

for adding the addressed target device having an associated network address to the first list of

target devices (col.3, lines 5-15).

22.       As to claim 17, Beelitz teaches the invention as claimed, further comprising: means

for removing the addressed target device having an associated network address from the first list

of target devices (col.7, lines 35-40).

23.       As to claim 18, Beelitz teaches the invention as claimed, further comprising: means

for pre configuring at least one target device listed in the first list (col.7, lines 45-50).

24.       As to claim 19, Beelitz teaches the invention as claimed, further comprising: means

for removing a target device without an associated network address from the modified list of

target devices (col.8, lines 40-45).

25.       As to claim 20, Beelitz teaches the invention as claimed, further comprising: means

for configuring the target devices listed in the modified list.

26.        As to claim 21, Beelitz teaches the invention as claimed, further comprising: means

for examining packet data to determine if a target device has an associated network address

(Fig.1 associated network 110).

27.        As to claim 22, Beelitz teaches the invention as claimed, further comprising: means

for examining log data to determine if a target device has an associated network address (Fig.1

target computer system 137 associated with network 110).

28.        As to claim 23, Beelitz teaches the invention as claimed, including a data processing

system comprising: means for creating a first list of target devices to be configured (col.7, lines

35-40, lines 48-50), wherein the target devices are to be remotely booted by the server (col.15,

lines 1-45, and col.18, lines 11-28); means for identifying at least one addressed target device

having an associated network address (col.15, lines 55-60); means for comparing the addressed

target device to the target devices on the first list (col.16, lines 4-10); and means for generating a

modified list of target devices to be configured based on the addressed target device (col.18,

lines 5-10).

29.        As to claim 24, Beelitz teaches the invention as claimed, further comprising: means

for storing information about the addressed target device (col.7, lines 35-40).

30.       As to claim 25, Beelitz teaches the invention as claimed, further comprising: means

for configuring at least one target device (col.18, lines 5-10).


31.       As to claim 26, Beelitz teaches the invention as claimed, further comprising: means

for determining if a target device has an associated network address (Fig.1 associated network

110).


## Response to Arguments


32.       Applicant's arguments filled on September 16, 2004 have been fully considered,

however they are not persuasive because of the following reasons:


33.       Applicants argue that Beelitz does not teach or suggest the target device to be

remotely by the server.  In response to Applicant's argument, the Patent Office maintain the

rejection because Beelitz teaches the target device to be remotely booted by the server as shown

in col.15, lines 1-45, and col.18, lines 11-28 (as disclosed above).


34.       Applicants argue that Beelitz does not disclose "creating a first list of target devices

to be configured".  In response to Applicant's argument, the Patent Office maintain the rejection

because Beelitz disclose creating a first list of target devices to be configured as shown in col.16,

lines 2-65.  Beelitz clearly shows that the user is presenting a list of peripheral devices to be

installed in the target computer system.

35.       Therefore, the Examiner asserts that cited prior arts teach or suggest the subject

matter broadly recited in independent claims 1, 13, and 23. Claims 2-12, 14-22 and 24-26 are

also rejected at least by the virtue of their dependency on independent claims and by other

reasons set forth in the previous office action.

36.       Accordingly, claims 1-26 are respectfully rejected.

## *Conclusion*

37.       **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

38.       Any inquiries concerning this communication or earlier communications from

the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at

**(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00

a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this

instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by

telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at **(571)**

**272-3925**.

*TTN*
January 30, 2005.

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600